

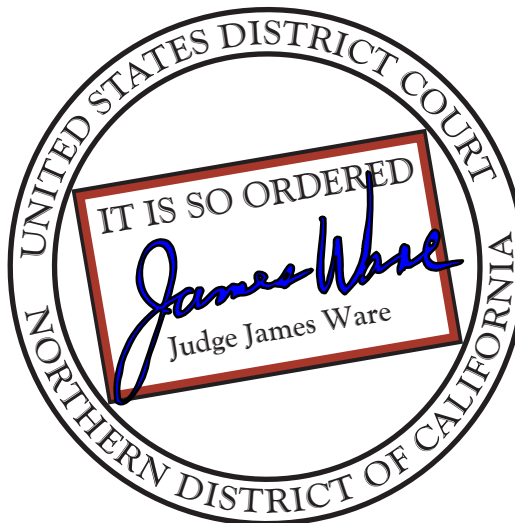
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Attorneys for Plaintiff



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES LAUTERMILCH,

Defendant.

No. 05-00626 JW

STIPULATION AND ~~PROPOSED~~
ORDER EXCLUDING TIME

SAN JOSE VENUE

The undersigned parties respectfully request that the above-referenced matter be continued from March 27, 2006 to April 17, 2006 at 1:30 p.m. The reason for the continuance is that the parties are continuing to negotiate a disposition and defense counsel needs additional time for investigation. Therefore, the parties also request an exclusion of time under the Speedy Trial Act from March 27, 2006 until April 17, 2006. The parties agree and stipulate that an exclusion of time is appropriate based on the defendant's need for effective preparation of counsel.

SO STIPULATED:

KEVIN V. RYAN
United States Attorney

DATED: _____

/s/

SUSAN KNIGHT
Assistant United States Attorney

1
2 DATED: _____

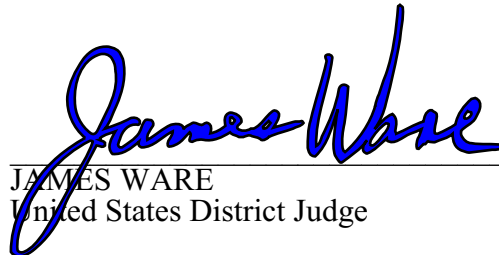
/s/
NICK HUMY
Assistant Federal Public Defender

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4 Accordingly, the Court HEREBY ORDERS that a status hearing be continued to April 17,
5 2006 at 1:30 p.m.

6 The Court FURTHER ORDERS that time be excluded under the Speedy Trial Act from
7 March 27, 2006 until April 17, 2006. The Court finds, based on the aforementioned reasons, that
8 the ends of justice served by granting the requested continuance outweigh the best interest of the
9 public and the defendant in a speedy trial. The failure to grant the requested continuance would
10 deny defense counsel reasonable time necessary for effective preparation, taking into account the
11 exercise of due diligence, and would result in a miscarriage of justice. The Court therefore
12 concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A) and
13 (B)(iv).

14 SO ORDERED.

15
16 DATED: April 12, 2006 _____


JAMES WARE
United States District Judge